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LAW OFFICES

LEE J. GARY

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UNFAIR COMPETITION

TELEPHONE CENTRAL 6-8123
CABLE ADDRESS "FRANBEL"

FRANK L. BELKNAP-1933
LEE J. GARY
W. F. DESMOND
J. M. PARKER
C. H. BASSETT
J. T. CULLINAN

February 25, 1949.

Frost Co.,
Kenosha,
Wisconsin.

Attention: Mr. M. Frost, President.

Dear Sir:

We are herewith enclosing draft specification and claims and photostat copy of pencilled drawing with regard to your Adjustall-Non Backflo fitting.

Will you kindly have the inventor carefully study the enclosed to make sure that his invention is properly presented to the patent examiner. We have incorporated the first four aspects or advantages listed in your letter of February 3, 1949. We have made no specific mention of the function of the Y connection at the center since in our opinion this has no relationship to the invention which we are attempting to cover. A claim directed to the Y design of the center casting would be considered by the Patent Office as what is technically known as an aggregation rather than a combination. The fact that the Y connection prevents back flow from one sink to the other is immaterial in so far as the essence of the invention is concerned which deals with the various swivel positions of the three essential connections, that is, the connection to the sink drains and to the main drain or waste pipe. The test to be applied in this particular case is would the various swivelling connections function more efficiently to accommodate the fitting to different spaces if a Y connection were used or if the ordinary T connection were used with a central baffle. In our opinion, we cannot see that there would be any difference in the operation. We appreciate that the Y connection probably is more efficient in so far as preventing back flow is concerned but the problem of preventing back flow has nothing to do with and is entirely separate from the problem of accommodating a waste fitting to various space relationships which are met with in practice.

LEE J. GARY

Mr. Frost

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February 25, 1949.

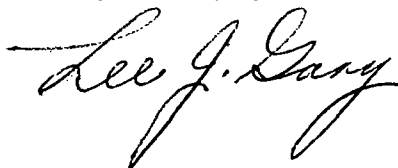
We note that your letter of February 3 sets forth the names of six men who had something to do with the final assembly. The Patent Office always looks with suspicion upon an application which is filed in the names of a large number of inventors, particularly where the invention is comparatively simple. It is likely that one or possibly two of the men had the fundamental idea of employing the various swivels and the remainder merely contributed details in improvements which were not of a patentable nature. Consequently it is our recommendation that the application be filed in the name of only that man or those men, preferably restricted to two, who conceived the fundamental idea.

We are not sending any formal papers or assignment with the application until you designate to us the name or names of the man or men who conceived the fundamental idea.

After the inventor and yourself have studied the enclosed draft will you kindly return the same to us together with whatever comments you wish to make. We can then incorporate your suggestions and prepare the application in final form together with the formal papers which we shall send to you so that the same may be executed by the inventor or inventors.

We believe that your proposal to print "Patent Applied For" on the center Y casting is satisfactory.

Very truly yours,



D:s
encs